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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/732,726

12/10/2003

William T. Ball

5564-152

2017

22442

7590

08/20/2008

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EXAMINER

FETSUGA, ROBERT M

ART UNIT

PAPER NUMBER

3751

MAIL DATE

DELIVERY MODE

08/20/2008

PAPER

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10732726	12/10/2003	BALL, WILLIAM T.	5564-152

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**EXAMINER**

Robert M.. Fetsuga

ART UNIT	PAPER
3751	20080804

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**Commissioner for Patents**

**SUPPLEMENTAL EXAMINER'S ANSWER**

The Reply Brief filed July 30, 2008 presents an argument at pages 5-6 thereof that the examiner should have questioned appellant's filing date benefit claim earlier in prosecution. However, the Oropallo reference was first cited against the claims in this CIP application in the Office action mailed October 24, 2005 (note paragraph "8"). Appellant did not attempt to rely upon a filing date benefit based upon application 09/593,724 until a Reply Brief was filed March 17, 2008. An examiner is not required to critique a CIP application for compliance with the disclosure requirement. See MPEP 201.08. Lastly, the "Petition to Revive" included with the instant reply brief appears improper at this stage of prosecution.

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